

REMARKS

Claims 1-3, 6-8, 12, 13 and 15 were pending in the application; however, by this Amendment, claims 1-3, 6-8, 12, and 15 have been cancelled. With regard to claim 13, in the Office Action it is noted that claim 13 is rejected under obviousness-type double patenting over claims 1-14 of U.S. Patent No. 6,442,992, and claim 13 is rejected under 35 U.S.C. § 103.

Claim Amendments

Claims 1-3, 6-8, 12, and 15 have been cancelled. Claim 13, which heretofore depended from claim 12, has been amended to independent form including all of the limitations of claim 12, claim 13 therefore remaining unchanged in scope.

Double Patenting Rejection

Claim 13 presently stands rejected for obviousness-type double patenting over claims 1-14 of U.S. Patent No. 6,442,992. In the Office Action, it is noted that the present double-patenting rejection can be overcome by filing a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). Accordingly, such a terminal disclaimer is submitted herewith. Therefore, it is respectfully requested that the rejection of claim 13 for obviousness-type double patenting over claims 1-14 of U.S. Patent No. 6,442,992 be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103

Claim 13 presently stands rejected under 35 U.S.C. § 103(a) over Japanese Patent No. 11-278287 to Oya ("Oya") in view of U.S. Patent No. 1,983,584 to Urschel ("Urschel"). Because the proposed combination of Oya and Urschel fails to teach all of the limitations of claim 13, it is respectfully asserted that claim 13 is in condition for allowance.

Specifically, claim 13 recites:

said rack shaft is provided with a first area and second areas on both sides of said first area;

wherein in said first area, ...a semi-cylindrical part on a reverse side of the row of rack teeth are formed; and

in said second areas, a complete cylindrical part is formed and at least one of the second areas has a diameter different from a diameter of the semi-cylindrical part in said first area,

These limitations are not taught or suggested by the prior art. Oya discloses a shaft that has an intermediate toothed portion opposite a semi-cylindrical part. However, Oya does not disclose any variations in the diameter of the shaft. Rather, Oya discloses a shaft having what appears to be a same diameter for the semi-cylindrical part and the neighboring cylindrical parts. Urschel discloses a method for making a shaped metal tube. However, Urschel does not disclose a semi-cylindrical part having a different diameter than that of a neighboring cylindrical part. Rather, where Urschel shows a semi-cylindrical part (Figs. 11-13, 15 and 16), the diameter of the semi-cylindrical part appears to be the same as the neighboring cylindrical parts. The present rejection refers to Fig. 20 of Urschel, however it is respectfully pointed out that Fig. 20 shows only cylindrical parts rather than a semi-cylindrical part having neighboring cylindrical parts. Therefore, even if Oya and Urschel are combined, the combined teaching would not suggest the above-cited limitations of claim 13. Therefore, it is respectfully asserted that claim 13 is patentable over the proposed combination of Oya and Urschel.

Accordingly, it is respectfully requested that the rejection of claim 13 under 35 U.S.C. § 103(a) over Oya in view of Urschel be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.


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Amendment Dated August 13, 2003
Reply to Office Action of March 18, 2003

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any fee required for such Petition for Extension of Time, and any other fee required by this document, other than the issue fee, and not submitted herewith, should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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